IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S
Review Petition No.73 of 2005
in
Writ Petition No.5227 of l994

The Administrator BNN College
Bhiwandi Thane ..Petitioner
vs
Mr Sanjay Gajanan Deore and ors..Respondents

Mr Talsania with Mr Ashok Kotangale with Mr. Santosh Jadhav and Mr.Arun D Nagarjun for petitioner

Mr.Tayade for respondents

CORAM: A.P.SHAH & S.U KAMDAR JJ

Dated 13.6.2005

P.C:

Heard advocates.

. This petition seeks review of our order dated 3l.8.2004 passed in Writ Petition No.5227 of l994. In the writ petition the original petitioner has challenged the judgment and order dated l.9.l994 passed by the College Tribunal for SNDC Women's University at Bombay. By the said judgement the tribunal has held that it has no jurisdiction to determine the issues raised by the workman on the ground that there are interse disputes between the two groups of management and, therefore, it is difficult to ascertain against which management the relief can be granted. By the order under review

the finding of the tribunal that it has no jurisdiction to entertain the appeal was set aside and it was further directed in para 4 as under:

> "In the normal course, we would have remanded the matter back to the tribunal for deciding the dispute on merits. However, we are informed by the learned counsel for the petitioner that the Administrator who has been appointed by the management has in consultation with the Deputy Director of Education on 5.4.2004 has reinstated the petitioner in his service. In the circumstances no useful purpose will be served by remanding the matter back to the tribunal for hearing on merits. We however direct that since the respondent management and the institution has reinstated the petitioner, the petitioner will also be entitled to the full back wages and continuity of service. Accordingly, we allow the present petition in terms of aforesaid. However, there shall be no order as to costs."

. The learned counsel for the original petitioner pointed out that his court was persuaded to issue

above directions on the basis of the statement of the petitioners' advocate that the petitioner was reinstated with the approval of the Jt Director of Education. The learned counsel submitted that the petitioner was only allowed to work by the Administrator subject to the outcome of the petition and no approval of the Jt Director was obtained. He submitted that the petitioner has given an undertaking in writing that he would be bound by the decision of this court in the writ petition. The learned counsel for the petitioner also fairly conceded that the petitioner was reinstated in service subject to the written undertaking given by him and subject to the final outcome of the petition. In the circumstances directions given in para 4 of the order dated 3l.8.2004 are recalled. The matter is remanded back to the University Tribunal for deciding the appeal filed by the original petitioner on merits in accordance with law. The tribunal is requested to decide the appeal expeditiously and preferably within a period of four months .

. All contentions on merits are left open to the parties.

. Review petition is made absolute in terms of the

above order. No order as to costs.